

REPORT

CD NO.

DATE OF INFORMATION 1953

DATE DIST. 3 Jun 1953

NO. OF PAGES 6

SUPPLEMENT TO
REPORT NO.

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REPORT NO.

THIS IS UNEVALUATED INFORMATION

RUMANIAN DECREE ON PROCEDURES FOR SUCCESSION BY INHERITANCE

I. GENERAL PROVISIONS

The inheritance procedure established in the present decree falls within the jurisdiction of the Office of the State Notary in the raion of the deceased's last residence.

In case of the death of a person who was not domiciled within the country, jurisdiction rests with the Office of the State Notary in the raion where the deceased held the majority of his property.

The express relinquishment of the inheritance is made before a competent State Notary and is registered in a special register kept by the Office of the State Notary. Express renunciation of succession can be done by the registration of an authentic declaration.

Express relinquishment of the inheritance can also be made by registering an authentic declaration issued from another locality.

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II. CUSTODIAL MEASURES

Article 3

Any interested person, prosecuting attorney, or executive committee of a people's council can contact the competent State Notary, make an inventory of the deceased's goods, and take measures to protect his property.

In the interest of the state, of the heirs, and of other legitimate interests, the State Notary can proceed with the taking of the inventory from his own office.

The State Notary can make the inventory himself, or delegate that duty to the secretary of the Office of the State Notary.

In the event that there is no Office of the State Notary in the locality where the death of the owner occurred, and in urgent cases as well, inventory may be made by a delegate of the executive committee of the people's council.

The secretary of the Office of the State Notary, or the delegate from the executive committee, will follow the provisions of Articles 4, 5, and 9 below. All other estate custodial measures can be taken only at the Office of the State Notary.

Article 4

In the circumstances mentioned in Article 3, the State Notary will go to the last residence of the deceased to obtain information about the names and addresses of the heirs, the extent of the inheritance, the place where it is found, and the possible existence of any will.

Article 5

The State Notary will make an inventory of the property and personal effects of the deceased which were found at his residence or in close proximity. The inventory will list and number the personal effects of the deceased, and also give a complete description of them and their approximate value. In case of any doubt as to their value, an expert may be consulted.

The inventory is signed by the person compiling it, as well as by the deceased's relatives who are living at his former residence, or in close proximity.

In the event that there are any personal effects in other localities, an inventory of those items may be made by a delegate from any competent organ, as specified in Article 3.

In the event that the inventory was drawn up by another official or by the manager of the building, the State Notary must verify the inventory and is hereby given the power to add or subtract anything from it.

In the event that a will is found at the testator's residence, this will is to be deposited with the State Notary of the respective raion.

Article 6

If there is any danger of alienation or loss of the goods, these goods will be taken by the State Notary and placed in proper custody, either with

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or without seal. Any precious metal, precious stones, foreign exchange, notes, currency, checks, or any other negotiable instruments will be deposited with G.E.G. /unidentified/ or with the State Bank of the Rumanian People's Republic. Sufficient money will be deducted from the sums left by the deceased to cover the following expenses:

- a. Expenses connected with deceased's last illness and his funeral expenses.
- b. Care and maintenance of dependents surviving the deceased.
- c. Payment of any sums left outstanding from any work contract or for social security dues.
- d. Costs of caring for the possessions and personal effects of the deceased, up to the time of the taking of the inventory.

In the event that the custody and administration of the estate require additional expenses, these will be taken care of either by the custodian, named in accordance with the provisions of Article 1 and after approval of the State Notary, or by a special curator named by the State Notary in the absence of the custodian.

Article 7

If any of the heirs are found to be insane or mentally defective, the Office of the State Notary will appoint a proper trustee.

Article 8

In the event that there is a valid will in existence, the State Notary will proceed with its official reading and will contact all devisees and legatees named therein; if the will designates an executor, he too will be notified.

Article 9

At the time of the making of the inventory, the State Notary will take a written deposition, which will include all the above-mentioned requirements, in addition to any objections raised by any persons present.

The written deposition will be executed in two copies; one will be left with the persons living in the home of the deceased; the other, which incorporates all notes and material pertinent to the passing of the inheritance, will be filed in the Office of the State Notary.

If the conditions of Article 7 apply, then a duly notarized copy of the written deposition will be presented to the appointed trustee.

Article 10

The State Notary has the duty of immediately informing all heirs, devisees, and legatees who were not present at the taking of the official inventory of the fact that the testator died and that inheritance proceedings have been started.

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Article 11

Anyone whose rights are injured by the official inventory, or by the custodial measures for the deceased's estate, may appeal to the people's tribunal of the particular raion where the deceased was last domiciled.

The people's tribunal will act on the appeal, after summoning all interested persons.

III. ESTABLISHMENT OF SUCCESSORS' RIGHTS AND
ISSUANCE OF OWNERSHIP CERTIFICATE TO THE HEIR

Article 12

After having determined the extent of the goods left by the deceased, the State Notary will summon all heirs, as well as any devisees and legatees under the will, in order to distribute the property.

At the same time, the State Notary will inform the proper financial organ of the state about the property which is designated to pass to the heirs, in order that proper inheritance taxes may be levied thereon.

Article 13

At the appointed time, the State Notary will determine the number of heirs in existence and their degree of relationship, in accordance with the inheritance chart.

The number of heirs, and their degrees of relationship, may be determined through the written deposition of proper witnesses, in the presence of the State Notary.

Article 14

If all the heirs are present and can prove their relationship to the deceased, and agree upon a suitable partition of the inheritance, then the State Notary will draw up the certificate of inheritance.

Article 15

If the relationship of the heirs is contested, or if they cannot agree upon a suitable partition of the inheritance, the State Notary takes note of all dissensions which may occur and instructs the parties concerned to seek a solution through judicial channels. At that time, all inheritance proceedings are suspended.

Article 16

If not all the heirs are present at the appointed time, the State Notary will take the written deposition of those heirs who are present and suspend further proceedings. These proceedings may be reopened upon the petition of an interested party, up to 6 months from the time that the inheritance proceedings were originally started.

Article 17

At the expiration of the said 6 months, all heirs who presented themselves during the period and accepted part or all of the inheritance may request from the State Notary, in accordance with Article 1 above, a certificate of inheritance. This may be requested even though the State Notary has not yet completed inventory of all goods.

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In the event that a will is in existence, or in the event that all the heirs of the deceased are known and have accepted the inheritance, and provided there is no doubt as to the existence of any other heirs, then the State Notary may issue the certificate of inheritance before the expiration of the 6-month period.

With reference to the testator's will, this document must be verified by the State Notary not only as to the form, but as to contents as well.

Article 19

Under the circumstances listed in Article 15, the certificate of inheritance will be issued after the issuance of a final judicial decision.

Article 20

The certificate of inheritance will be issued only after the proper financial organ of the state is duly notified of the existence of the inheritance.

Article 21

The certificate of inheritance must indicate the following: date of issuance; name of the official or state office issuing it; name and last domicile of the deceased; date of the decease; whether the inheritance passes testate or intestate; name, degree of relationship, and domicile of the heirs; items which form part of the inheritance; list of the property and personal effects passing to each of the heirs, by name; amount of the sum to be deducted from the inheritance for stamp tax; signature of the State Notary; and stamp of the Office of the State Notary.

In the event that an inventory of the goods has not been completed, this fact must be mentioned in the inheritance certificate.

At the request of the heirs, the State Notary will issue a copy of the certificate of inheritance to each heir.

At the request of the heirs, and provided that the testator's will disposes of only part of the inheritance, one certificate will be issued for the property passing under the will and another for the intestate property.

In the event that the heirs partitioned the goods themselves through a notary public, the certificate of inheritance will contain, in addition to the items listed in the first paragraph of this article, a statement of the act of partition by the heirs.

Article 22

In the event that the will designates a specific executor of the will, the State Notary will issue a certificate empowering said person to act as executor.

Article 23

After the issuance of the certificate of inheritance, no other certificate can be issued in the future. Those having subsequent claims to succession may bring judicial proceedings to annul the former certificate and to determine their own rights.

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Until such judicial annulment takes place, the certificate of inheritance will serve as proof of the degree of the heirs' relationship to the deceased, and of the property accruing to each heir.

Article 24

If, by 6 months after the opening of the inheritance proceedings, the State Notary fails to discover the existence of any possible heir who can claim the inheritance, he will then issue a statement addressed to the financial organs of the state to the effect that the inheritance lapses.

The conditions of Article 23 apply also to the certificate issued in the circumstances outlined in this article.

IV. FINAL AND COLLATERAL PROVISIONS

Article 25

At the time that the present decree enters into effect, Articles 620-642 inclusive, of the Civil Code, Article 695 of the Civil Code, and any other conflicting decisions are hereby annulled.

Article 26

All inheritance proceedings now pending before any judicial organ under Law No 478 of 1 October 1938, Law No 543 of 11 July 1946, and Decree No 109 of 23 June 1948 will be forwarded to the Office of the State Notary, in accordance with the present decree.

Article 27

The mode of operation of the present decree will be set forth in future orders and instructions issued by the Ministry of Justice.

Article 28

The present decree enters into effect on the date of its publication.

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